

Claims 16, 27 and 28 were also objected to on the basis that there was no antecedent basis for the limitation "the adjacent material" in each of these claims. Each of these claims has been amended to change "adjacent material" to "quilt top and/or backing material," which limitation is supported by claim 15.

### **35 USC §112 Rejections**

Claims 1-14, 16, 27 and 28 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With reference to claim 1, the Examiner asserts that the claim does not set forth any steps involved in the method/process. By the present amendment, claim 1 has been amended to include the steps of claims 2 and 4. Applicant submits that claim 1 meets the requirements of 35 USC §112.

Claim 1 was also rejected under 35 USC §101 for essentially the same reasons as stated for the 35 USC §112 rejection. Applicant submits that the amended claim 1 meets the requirements of 35 USC §101.

### **35 USC §103 Rejections**

Claims 1-17, 27 and 28 were rejected under 35 USC §103(a) as being unpatentable over Chumbley, et al. (U.S. Patent No. 5,716,887) in view of Wright, et al. (U.S. Patent No. 3,540,975).

The Examiner asserts that Chumbley discloses a method for using a fusible bonding sheet, which includes providing a fusible bonding sheet, which sheet includes non-woven fibers held together with adhesive, which the Examiner equates to a non-woven batt, with a coating of heat activated adhesive, i.e. thermoplastic adhesive, providing pieces of fabric, i.e. quilt, applying the fusible batting to one of the pieces of the quilt, applying a remaining piece of quilt to the remaining side of the batt, applying heat with the use of a steam iron to melt the heat sensitive adhesive, which increases the tackiness and allowing the bond site to cool to bond the pieces together.

The Applicant disagrees with the Examiner's reading of Chumbley.

Chumbley does not teach or suggest non-woven fibers held together with adhesive. Chumbley does not teach any form of batt, or batting, as those terms are understood by those skilled in the textile arts.

Chumbley teaches a fusible adhesive sheet which is made entirely of adhesives. It is made of two types of adhesive. As stated in the abstract, it is a "lattice work of pressure-sensitive adhesive ... on a solid substrate of heat-sensitive adhesive." There are no fibers held together by adhesive. The entire sheet is adhesive.

Chumbley teaches several methods for forming a "heat fusible adhesive substrate ... preferably in the form of a lattice-like structure of intersecting diagonal lines and voids." Col. 2, lines 61-67. A pressure sensitive adhesive is then "applied to one or both sides of the substrate." Col. 3, lines 11-15.

The adhesive tape of Chumbley is use to bond two fabric sheets together. "The pressure sensitive adhesive secures the tape in position during the application process." That is, the pressure sensitive adhesive provides a removable and therefore repositionable attachment of the fabric sheets while the permanent attachment is made by applying heat to soften the thermoplastic adhesive that provides the permanent attachment of the fabric sheets. After the application process, there is no batt or batting or even fibers between the two fabric sheets. There is only a layer of adhesive that binds the two fabric layers together.

The Examiner notes that Chumbley is silent as to the applying heat to the laminate, peel and repositioning the portion, replacing the portion, and applying heat to the material to re-bond the laminate. However, the Examiner asserts that such steps are well known as shown by Wright.

Wright teaches away from use of thermoplastic adhesives for basting of quilt covers to quilt batting in the process of making a quilt. A large part of the disclosure of Wright is directed to the permanent bond formed by its adhesive. The testing process of Col. 5 indicates that even after repeated washing or dry cleaning of fabric/fabric bonds, separation of the fabric layers nearly always resulted in failure of the fabric. The fabric used by Wright appears to be woven rayon fabric. Thus, the goal of such teaching is formation of a strong permanent bond.

The Applicant recognized that a weak, easily peelable adhesive bond between quilt covers and a quilt batt provides an effective attachment of the layers while permanent attachment means, e.g. stitching, is applied. Such a weak bond provides a significant benefit because, if the covers are initially misaligned on the batt, they can be easily peeled off, even at room temperature, and repositioned.

Since quilt batting is a nonwoven web of fibers, e.g. cotton and/or polyester, it has little inherent strength and can be easily damaged. If a strong adhesive is used to baste covers to a batt during quilt assembly, it is essentially impossible to separate a cover completely from the batt. Instead, the batt is typically shredded or separated into several layers, with part of the batt still adhered to the covers. In view of the characteristics of quilt batting, one skilled in the quilting art would be discouraged from applying the prior art teachings of permanent bonding of woven fabric layers, such as shown in Wright, to the process of basting quilt covers to quilt batting in the process of making a quilt.

Neither Chumbley nor Wright teach or suggest use of their adhesive systems to attach a woven fabric layer to a quilt batt, i.e. a non-woven web of fibers that provides loft to a quilt. The functional characteristics of the adhesives and processes disclosed by the references indicate to one skilled in the quilt-making art that the teachings of the references are not applicable to the process of basting of quilt covers to a quilt batt.

The Applicant submits that neither reference taken alone, nor any combination of the references, makes the presently claimed invention obvious.

## CONCLUSION

Applicant respectfully submits that the present application, as amended, is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge any fees that may be due in connection with this communication, or credit any overpayment thereof, to Deposit Account No. 50-1515, Conley Rose, P.C.

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